

## **REMARKS**

Please reconsider the present application in view of the above amendments and following remarks. Applicant thanks the Examiner for carefully considering the present application.

### **I. Disposition of the Claims**

Claims 2-68 are currently pending. By way of this reply, claims 2, 4, 8, 11, 18, 24, 26, 30, 33, 36, 40, 46, 48, 52, 55, 58, 62, and 68 have been amended. No new matter has been added.

### **II. Improper Finality**

The Examiner has made the instant Office Action final. However, the Examiner has failed to provide any basis for rejecting the majority of the pending claims. Applicant notes that “each claim should be reviewed for compliance with every statutory requirement for patentability in the initial review of the application, even if one or more claims are found to be deficient with respect to some statutory requirement”. *See* MPEP § 2106. Here, while claims 2-68 are pending, the Examiner has only specifically rejected claims 4, 8, 11, 18, 26, 30, 33, 36, 40, 48, 52, 55, 58, and 62 under 35 U.S.C. § 112. As to the grounds provided for the rejections under 35 U.S.C. § 103 (*see* instant Office Action, pages 3 – 4), these grounds seemingly apply only to independent claims 2, 24, 46, and 68. There is no language in these § 103 rejections that offers any basis for rejecting any of the pending dependent claims.<sup>1</sup>

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<sup>1</sup> Applicant notes that these claims have only been previously rejected on double-patenting grounds. No reasons have been previously provided as to why these claims are not patentable over the prior art.

Thus, the finality of the instant Office Action is improper and not well taken. Withdrawal of such finality is respectfully requested. The amendments and arguments in this Reply should be fully entered and considered, and should the Examiner deem the present application still not in condition for allowance, a non-final Office Action is respectfully requested.

### **III. Rejection(s) under 35 U.S.C. § 112**

Claims 4, 8, 11, 18, 26, 30, 33, 36, 40, 48, 52, 55, 58, and 62 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. For the reasons set forth below, these rejections are respectfully traversed.

Claims 4, 26, and 48 have been amended to clarify the multiple recitations of a “vendor’s process.”

As to claims 8, 30, 52, these claims have been clarifyingly amended to recite “certain delivery dates.”

Regarding claims 11, 33, and 55, these claims have been amended to clarify the recitation cited by the Examiner as appearing incomplete.

With respect to claims 18, 40, and 62, these claims have been amended to clarify the recitation of a “WIP volume.”

In view of the above, the discussed claims are not indefinite as amended herein. Thus, withdrawal of the § 112, second paragraph rejections is respectfully requested.

#### IV. Rejection(s) under 35 U.S.C. § 103

Claims 2-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0032611 (“Khan”) in view of U.S. Patent Application Publication No. 2002/0198757 (“Hedge”). For the reasons set forth below, these rejections are respectfully traversed.

In order to establish a *prima facie* case of obviousness, the Examiner must show (i) some suggestion or motivation, either in the references themselves or based on knowledge of one of ordinary skill in the art, to modify the reference or to combine reference teachings, (ii) a reasonable expectation of success, and (iii) that the references when combined teach or suggest all the claim limitations. *See* MPEP § 2143 (emphasis added). This burden has not been met.<sup>2</sup>

Amended independent claim 2 requires in part generating a WIP tracking report showing at least one measure in expected good parts. Amended independent claims 24, 46, and 68 include similar language.

Khan is directed to a computerized method of building a bill of materials (BOM) by specifying a part or item number and calling multiple vendors over the Internet to get price, availability, quantity in stock, and other related data. *See, e.g.*, Khan, Abstract; claim 1. Khan discloses:

Accordingly, the present invention provides a convenient and easy way to quickly create a complete bill of material including supplier part numbers pricing, and other relevant engineering and procurement data needed to either order the parts

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<sup>2</sup> Moreover, Applicant notes that the Examiner must set forth “the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate”. *See* MPEP § 706.02(j) (emphasis added). Here, there is no citing to those locations in the references relied on to support the rejections.

in question or simply keep track of inventory information for further analysis and reduce costly not ordering parts that are readily available in the market. Another aspect of the present invention relates to representation of all possible vendors and their inventory and pricing levels to better model a stocking scenario internal to a company. This information is also used to keep track of price movement, trends, volatility, and simply keep track of shortages of parts in the market.

*See* Khan, paragraph [0050]. As evident, Khan is concerned with computerizing a process to collect data from parts suppliers; it is not concerned with tracking the progress of a part as it proceeds through a supply chain. Accordingly, as Khan fails to disclose any technique for the monitoring of WIP, it necessarily fails to disclose generating a WIP tracking report showing at least one measure in expected good parts as required by independent claims 2, 24, 46, and 68.

Like Khan, Hedge fails to disclose all the limitations of the claimed invention. Particularly, Hedge fails at least to supply that which Khan lacks. Hedge is directed to “rationing supply and capacity across multiple facilities, processes and work centers according to defined rules for rationing resources among competing material releases.” *See* Hedge, paragraph [0029]. While Hedge discloses a step for projecting WIP forward through work centers (*see* Hedge, paragraph [0018]), Hedge is silent as to showing a measure in expected good parts. Accordingly, Hedge fails to disclose generating a WIP tracking report showing at least one measure in expected good parts as required by the claimed invention.

In view of the above, Khan and Hedge, whether considered separately or in combination, fail to disclose each and every limitation of amended independent claims 2, 24, 46, and 68. Thus, independent claims 2, 24, 46, and 68 are patentable over Khan and Hedge. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the § 103 rejections is respectfully requested.

**V. Conclusion**

The Examiner is encouraged to contact the undersigned attorney if it would be beneficial to further advance the prosecution of the application.

Please apply any charges not covered, or any credits, to Deposit Account 19-2555 (Reference No. 22272-06093).

Respectfully Submitted,

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